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GOOGLE INC. and TIMOTHY ARMSTRONG

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

CHRISTINA ELWELL, Plaintiff, v. GOOGLE, INC. and TIMOTHY ARMSTRONG, Defendants.	ECF CASE Case No: 05-CV-06487 (DLC) DEFENDANTS' AMENDED NOTICE OF MOTION AND MOTION TO COMPEL ARBITRATION AND FOR DISMISSAL OF ACTION, OR, IN THE ALTERNATIVE, FOR A STAY OF PROCEEDINGS PENDING ARBITRATION

Defendants hereby move to compel Plaintiff to arbitrate her claims pursuant to 9 U.S.C. section 4 on the ground that this Court is an improper forum for Plaintiff's claims against Defendants. Plaintiff agreed by written contract to binding arbitration of her claims and therefore this action should be dismissed pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure . Plaintiff's claims should be heard by an arbitrator in accordance with the parties' contract. In the alternative, this action should be stayed pending completion of the arbitration of Plaintiff's claims. Defendants'

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Motion to Compel Arbitration and for Dismissal of Action, or, in the Alternative, for a Stay of Proceeding Pending Arbitration, is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the Declaration of Marina C. Tsatalis, and the pleadings and records on file herein.

Dated: September 7, 2005

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: ______________/s/________________

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